IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

WILLIAM BOYD PIERCE §

v. § CIVIL ACTION NO. 6:15cv806

WILLIAM STEPHENS, ET AL.

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND DENYING MOTION TO ALTER OR AMEND THE JUDGMENT OR FOR NEW TRIAL

The Plaintiff William Boyd Pierce, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

The lawsuit was dismissed for failure to exhaust administrative remedies and failure to state a claim upon which relief may be granted. After the dismissal, Pierce filed a motion to alter or amend the judgment or for a new trial. The Magistrate Judge reviewed this motion and issued a Report recommending that the motion be denied. Pierce received a copy of this Report but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge.

Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See*

United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 50) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion to alter or amend the judgment or for new trial (docket no. 49) is **DENIED**.

So Ordered and Signed

Jan 20, 2019

Ron Clark, Senior District Judge

Rm Clark